

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

PREAMBLE

1. Sections Affected

R12-8-109	<u>Rulemaking Action</u>
R12-8-110	Amend
Exhibit A	Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 41-511.05(8)
Implementing statute: A.R.S. § 41-511.05(8)
3. The effective date of the rules:

December 11, 1997
4. A list of all previous notices appearing in the Register addressing the exempt rule:

Notice of Exempt Rulemaking: 3 A.A.R. 46, January 3, 1997
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Randy Miller
Address: Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-6925
Fax: (602) 542-4180
6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:

R12-8-109, Fees and Permits set the fees for visitor use and commercial use at Arizona State Parks. Each year, the Arizona State Parks Board reviews its fee structure and approves adjustments for the ensuing calendar year. In its analysis, Arizona State Parks reviews fee structures of surrounding states; reviews operating and development costs of the State Park System; reviews the public demand for park services and subsequent impacts of visitor use on park resources. State Parks actively pursues public input into the fee structure through regional meetings throughout the State.

Rule changes for 1998 can be summarized as follows:

 - Adult entrance fee at Tombstone Courthouse State Park raised from \$2.50 to \$3.
 - Recreation park person-per vehicle limit reduced from 6 persons to 4 persons. Additional persons in each vehicle to be charged at \$1 for the daily entrance fee.
 - All \$9 campsite and \$14 hook-up campsite fees raised to \$10 and \$15, respectively.
 - Language changed from "Off Season and Long-Term Rates" for campsites changed to "Special Circumstances and Long-Term Rates".
 - Range of Group Day-Use Reservations extended from \$10-\$25 to \$10-\$50.
 - Special Use Fee minimum established at \$25 with limits not to exceed \$10,000.
 - Modify R12-8-110: "Fee Waiver" rule by deleting the waiver for school groups.

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- Creation of "Program Fees" to address large groups scheduled for special interpretive programs, ranger-led hikes, or tours at the parks. Per-person program fees of \$1 will be established.
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable
- 8. The summary of the economic, small business, and consumer impact:
Not applicable
- 9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
See question #6 in this preamble.
- 10. A summary of the principal comments and the agency response to them:
Arizona State Parks received negative input from the public regarding a proposed increase to the commercial vehicle access permit (CVAP). They felt the fee increase was too high. The Board voted to keep the CVAP fee at the 1997 level, however, they will review the fee again at the January 1998 Board meeting.
- 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable
- 12. Incorporations by reference and their location in the rules:
Not applicable
- 13. Was this rule previously adopted as an emergency rule?
No
- 14. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

- R12-8-109. Fees and Permits
R12-8-110. Fee Waivers
Exhibit A. 1998 Regular Fee Schedule

ARTICLE 1. GENERAL PROVISIONS

R12-8-109. Fees and Permits

- A. Annual Fee Review. The Board shall annually review and set fees for entrance, camping, and overnight parking at state park facilities. The fees shall be posted at each state park and printed in appropriate state park literature for public information. Fees shall be based upon analysis of the following criteria:
1. Fee and permit charges by state park agencies of the 11 western states and similar facilities within Arizona,
 2. Arizona State Parks operational and developmental costs,
 3. Public demand for services, and
 4. Impacts upon park resources.
- B. Entrances fees/permits. Entrance, camping, and overnight parking fees for each park can be found in Exhibit A. A fee will not be charged for private vehicles or individuals requesting a 15 minute or less preview of a recreation park.
- C. Special Use Fees. The Director may negotiate a specific fee for special uses. The range for noncommercial and commercial uses at state park facilities shall be the fee charged unless the Executive Director determines that an increase is justified based upon analysis of the following criteria:
1. Park expenses resulting from the special use,
 2. Loss of revenue resulting from the special use,
 3. Impacts upon park resources and visitors as a result of the special use, or
 4. The goodwill produced by informing or educating the public.

D. Special interpretive program fees. A special interpretive program fee for events sponsored by state parks may be assessed or park fees during the event may be waived. If assessed, this fee shall be established by the Executive Director according to the criteria specified in subsection (C). Special interpretive program fees shall be established in advance of the event and posted as stated in this rule.

E. Commercial Vehicle Access Permit (CVAP) will be required by any person that enters a state park to conduct any portion of a business that is not covered by a concession agreement or special use permit.

R12-8-110. Fee Waivers

A. The Park Manager, or official designee of the Park Manager, is authorized to grant waivers of the entrance fee to educational and handicapped groups in accordance with the following guidelines:

1. ~~Tour by preschools and accredited K-12 school groups shall be related to the group's current curriculum or program of study. The curriculum will be sufficiently formal so that academic credit or a certificate is awarded at the program's end. The program must meet more than 5 class meetings on separate days. Subject to the discretion of the Park manager, fees for preschools and accredited K-12 school groups may be waived. Program fees for large groups that are scheduled for special interpretive programs, ranger-led hikes, or tours of the park will be charged (refer to Exhibit A, 1998 Regular Fee Schedule for specific rates) when a waiver is not granted.~~
2. Professional groups shall be participating in a parks and recreation, or historic and interpretive seminar, or conference tour.
3. Handicapped groups shall be affiliated with organizations or agencies established for their care, rehabilitation, training, or service. For the purpose of this rule,

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handicapped is defined as blind and visually impaired, deaf and hard of hearing, mobility impaired, or developmentally disabled.

- B. Persons serving in a volunteer capacity with a signed volunteer agreement with the Arizona State Parks Board are exempt from all fees.

- C. No fees shall be charged on Christmas Day.
D. The Director or the Director's designee may modify any and all rates prescribed in R12-8-109 and R12-8-110 to include discounts, promotional rates, and other modifications.

Exhibit A. 1998 Regular Fee Schedule

ARIZONA STATE PARKS
1997 1998 REGULAR FEE SCHEDULE
Effective January 1, 1998

HISTORIC & EDUCATION CONSERVATION PARKS

	AGE GROUPS			* GROUP DISCOUNTS (Adult Fees)			OTHER REGULAR FEES (all parks)	
	Ages 0-6	Ages 7-13	Ages 14 & Up	7-12 Persons	13-18 Persons	19 Persons & Up	Group Day-Use Reserv.:	\$10.00 - \$50.00
Boyce Thompson	(Separate Fee Schedule)						Group Camping Reserv.:	\$25.00 - \$50.00
Oracle	(\$4/Vehicle or Special Program Fees)						Overnight Parking:	(Entry Fee) \$3.00
Homolovi Ruins	(See Recreation Parks Below)						Annual Permit (Unlimited):	\$65.00
Fort Verde	free	1.00	2.00	1.80	1.60	1.40	Annual Permit (Limited):	\$35.00
Jerome	free	1.00	2.50	2.25	2.00	1.75	Commercial Permit: 4th Pass	\$200.00
McFarland	free	1.00	2.00	1.80	1.60	1.40	Commercial Permit (2nd Pass) (Max-2)	\$100.00
Red Rock	(See Recreation Parks Below)						SPECIAL USE FEES (all parks)	
Riordan	free	2.50	4.00	3.60	3.20	2.80	Fees charged per room or area/4 hours	
Tombstone	free	1.00	2.50	2.25	2.00	1.75	Non-Commercial:	\$25.00 - \$50.00
Tubac	free	1.00	2.00	1.80	1.60	1.40	Commercial:	\$50.00 - \$3,000.00 \$25.00
Yuma Territorial Pr	free	2.00	3.00	2.70	2.40	2.10 1.40	Damage Deposit:	\$25.00 - \$500.00
Yuma Crossing	free	2.00	3.00	1.80	1.60	1.40	(maximum fees not to exceed \$10,000)	

* All persons in a group, regardless of age, apply toward a group's number, but only adult fees are discounted.

INTERPRETIVE FEES (per person)	
Special Interp. Program:	1.00
Interp. Prog. (Yuma Ctr.)	2.00

RECREATION PARKS

	DAILY ENTRANCE		NIGHTLY CAMPING			SPECIAL/LONG-TERM RATES		
	Individual/Bicycle	Per Vehicle (1-64 Persons)	Campsite	Hook-Up Site	Cabana or Boat Site	Campsite	Hook-Up Site	Cabana/Boat Site
Alamo	1.00	4.00	8.00-10.00	43.00 15.00		40.00-50.00	65.00	
Buckskin Mountain **	1.00	4.00 / 7.00		15.00	20.00	60.00	75.00	75.00
Buckskin River Island **	1.00	4.00 / 7.00	12.00	15.00		60.00	75.00	
Catalina	1.00	4.00	9.00 10.00	44.00 15.00		45.00 50.00	70.00 75.00	
Cattail Cove **	1.00	4.00 / 7.00	10.00	15.00	10.00	50.00	75.00	50.00
Dead Horse Ranch	1.00	4.00	10.00	15.00		50.00	75.00	
Fool Hollow	1.00	5.00	10.00	15.00		50.00	75.00	
Homolovi Ruins	1.00	4.00	9.00 10.00	44.00 15.00		45.00 50.00	70.00 75.00	
Lake Havasu **	1.00	4.00 / 7.00	10.00-12.00		10.00	50.00-60.00		50.00
Lost Dutchman	1.00	4.00	9.00 10.00			45.00 50.00		
Lyman Lake	1.00	4.00	9.00 10.00	44.00 15.00		45.00 50.00	70.00 75.00	
Patagonia Lake	1.00	5.00	10.00	15.00	10.00	50.00	75.00	50.00

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	Individual/ Bicycle	Per Vehicle (1 - 6 4 Persons)	Campsite	Hook-Up Site	Cabana or Boat Site	Campsite	Hook-Up Site	Cabana/Boat Site
Picacho Peak	1.00	4.00	9.00 10.00	14.00 15.00		46.00 50.00	70.00 75.00	
Red Rock	1.00	5.00	(Fees charged only for education-related groups: \$10.00 per group of 1-6 persons)					
Roper Lake	1.00	4.00	9.00 10.00	14.00 15.00		46.00 50.00	70.00 75.00	
Slide Rock	1.00	5.00						
Tonto Natural Bridge	1.00	5.00						

** Denotes parks that charge the higher daily fee on weekends and State-observed holidays.